



ORDINANCE NUMBER 2824

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR OR PARTS INSTALLATION FOR A MOTORCYCLE DEALERSHIP LOCATED AT 13600 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH – FREEWAY SUBDISTRICT (PD-70 OFB-FW) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow motor vehicle sales and motor vehicle repair or parts installation for a motorcycle dealership located at 13600 Stemmons Freeway within Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district (hereinafter the “Property”), as described in Exhibit “A” and depicted in Exhibit “B,” subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district and in accordance with the approved site plan attached as Exhibit “C” and the plan of operation attached as Exhibit “D.” All exhibits attached hereto are incorporated herein by reference.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 15th day of August, 2005.

APPROVED:



Mayor

APPROVED AS TO FORM:



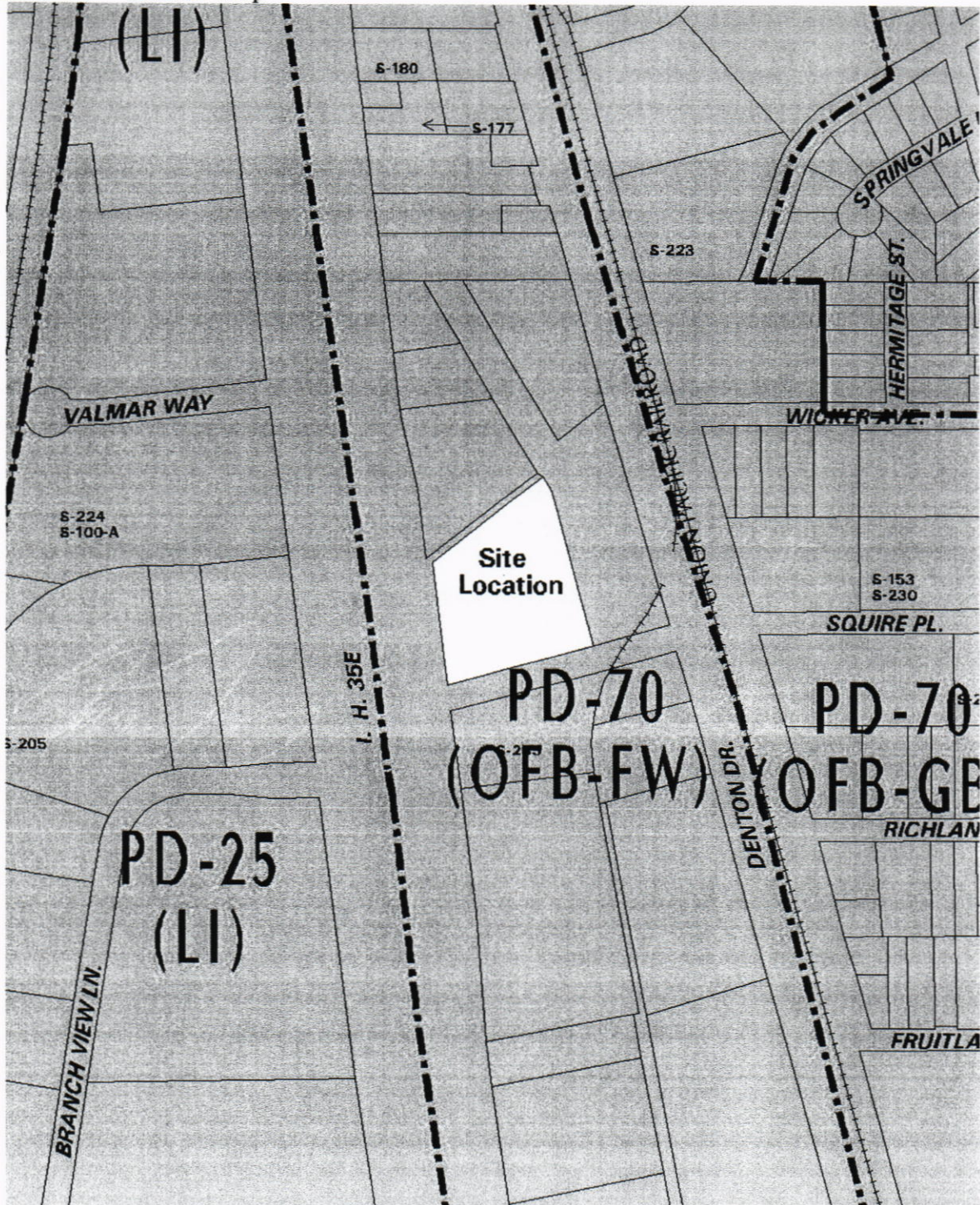
City Attorney

ATTEST:



City Secretary

Exhibit "B" – Locator Map



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>



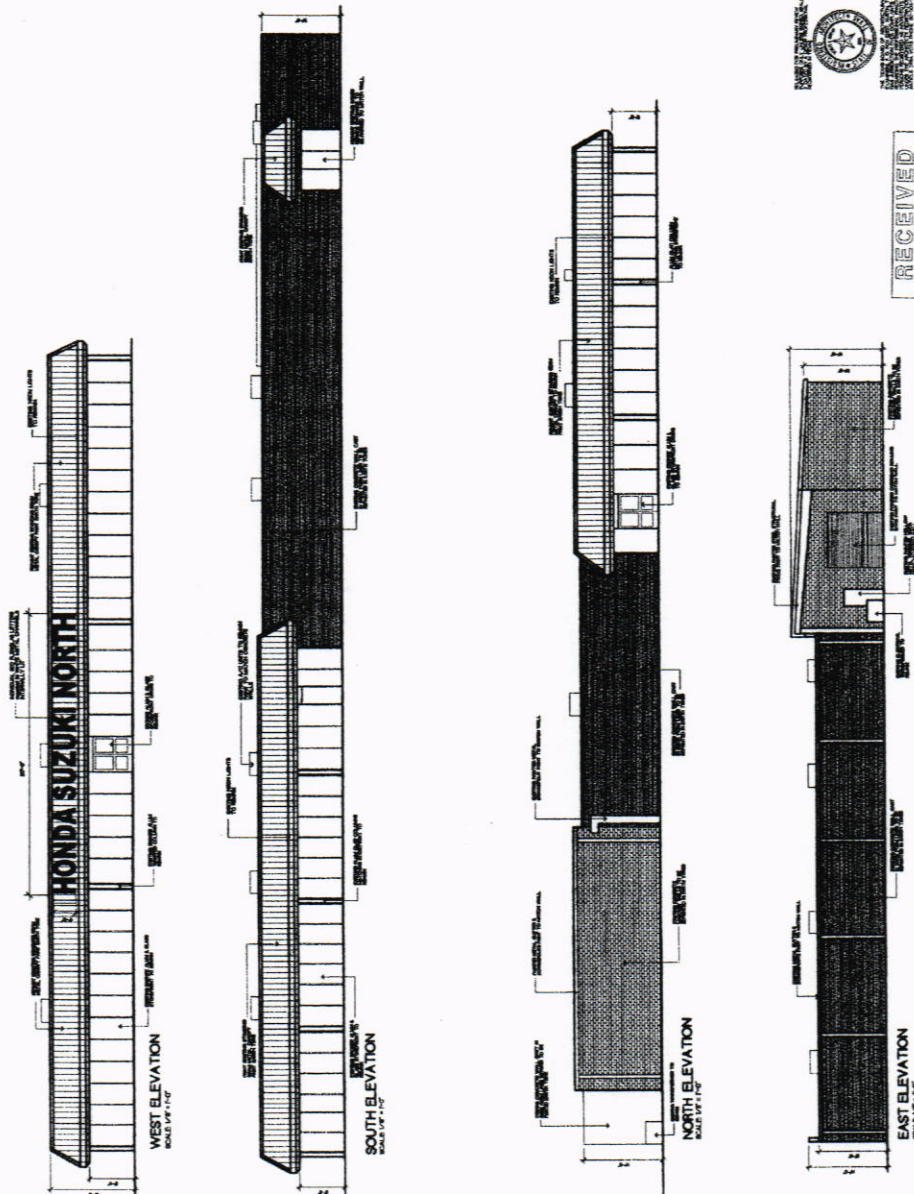
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The image contains two technical drawings of a proposed sign, labeled 'ALTERNATIVE #1' and 'ALTERNATIVE #2'. Both drawings show a sign with a central rectangular panel and side panels, with dimensions and mounting details.

ALTERNATIVE #1: The sign has a total width of 28'-0" and a height of 14'-0". The central panel is 14'-0" wide and 14'-0" high. The side panels are 7'-0" wide and 14'-0" high. The sign is mounted on a wall with a 14'-0" gap between the sign and the wall. The sign is labeled 'PROPOSED SIGN' and 'ALTERNATIVE #1'. The sign is mounted on a wall with a 14'-0" gap between the sign and the wall. The sign is labeled 'PROPOSED SIGN' and 'ALTERNATIVE #1'.

ALTERNATIVE #2: The sign has a total width of 28'-0" and a height of 14'-0". The central panel is 14'-0" wide and 14'-0" high. The side panels are 7'-0" wide and 14'-0" high. The sign is mounted on a wall with a 14'-0" gap between the sign and the wall. The sign is labeled 'PROPOSED SIGN' and 'ALTERNATIVE #2'. The sign is mounted on a wall with a 14'-0" gap between the sign and the wall. The sign is labeled 'PROPOSED SIGN' and 'ALTERNATIVE #2'.



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13600 STEMMONS FREEWAY
T. & S. 2008
C. National (2010) 08710000-000-0000

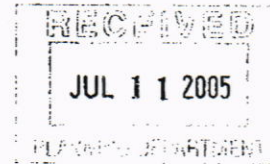
Architects
Planning
Interiors

2140 Cole Road Suite D
Porter, TX 77057
972-758-9290



RECEIVED
JUL 11 2005
TRAINING DEPARTMENT

Plan of Operations



Marathon Corp. is a corporation, wholly owned, by the applicant, Frederick Bowman, engaging in the retail motorcycle business since 1965.

Subject company has entered into contractual agreements with certain manufacturers covering the sale and representation of their products. This is loosely referred to as a "franchise agreement" or "sales agreement". These agreements set certain minimum financial standards, govern the dealer's warranty responsibilities and addresses facility requirements. Products governed include street motorcycles, off-road motorcycles, all terrain vehicles, scooters and personal watercraft. Furthermore, the state of Texas, through the Department of Transportation, regulates "franchised" dealers through licensing requirements. They set certain standards for facilities, advertising, relocation, etc. From a legal standpoint, "franchised" motorcycle dealers are treated and regulated the same as "franchised" automobile dealers, i.e. Ford, Chevrolet, Chrysler, etc. State laws such as the "blue law" the "lemon law" are applicable to "franchised" motorcycle dealers.

Don't confuse a "franchised" dealer that is regulated by the state, sells product approved by the EPA and has contractual obligations to the manufacturer with any other type of motorcycle operation that sells primarily used product or is primarily a "repair shop".

Our business sells approximately 1,300 units per years, of which, approximately 5-10% are used units, which are taken in as "trade-ins". Units sold include street motorcycles, off-road motorcycles, all terrain vehicles, scooters and personal watercraft. We also sell parts and accessories (tires, batteries, helmets, apparel) and trailers in our parts department. Our service department repairs both new and used motorcycles, does general engine work, changes tires, and does warranty work on behalf of the manufacturers. We don't do any paint or body work as this is all sublet to others. We don't plan to have a fueling station on site, but will use movable containers that hold approximately 25-30 gallons of gasoline and are approved by federal, state, and local authorities. They are commonly known as "gas caddies". All repair work is done inside the building. We don't retain salvaged materials or parts except as required by the manufacturer so they may inspect them in warranty claim situations. These are stored inside the building. We don't retain salvaged motorcycles or watercraft.

Our hours of operation are 9-6 Monday through Friday and 9-5 on Saturday. We are closed on Sunday.

We do not lease or rent vehicles, so PD-70 Section 7.J.2 is not applicable to us. Our used sales are "an accessory use of new sales" and as such qualify within PD-70 Section 7.J.1

We are not requesting any outside storage or outdoor display and anticipate that no business will be transacted outside the building.

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Exhibit "D" – Plan of Operation (continued)

Most dealerships generate the majority of their revenue within a 15 miles radius of their location so we will primarily be serving Farmers Branch, Carrollton, Lewisville and north west Dallas. Our business requires the high visibility that I35-E affords and satisfies PD-70 Section A. as we will "revitalize the freeway corridor" and our investment of approximately \$3 million is significant and certainly "long-term".

